

Cc: Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>

Subject: RE: Request for most recent WOTUS presentations

Ex. 5 Attorney Client (AC)

From: Christensen, Damaris

Sent: Thursday, March 01, 2018 11:04 AM

To: Schafer, Jeannette <schafer.jeannette@epa.gov>

Cc: Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>

Subject: Re: Request for most recent WOTUS presentations

Ex. 5 Attorney Client (AC)

Damaris

Sent from my iPhone

On Feb 27, 2018, at 2:46 PM, Schafer, Jeannette <schafer.jeannette@epa.gov> wrote:

<image001.gif>

I know you're busy so I'm checking in again.

From: Schafer, Jeannette

Sent: Monday, February 26, 2018 12:07 PM

To: Downing, Donna <Downing.Donna@epa.gov>; Muehlberger, Christopher <muehlberger.christopher@epa.gov>

Subject: Request for most recent WOTUS presentations

Morning Donna & Chris,

Ex. 5 Attorney Client (AC)

Thank you!! Jeannette

Advertised topic

"Clean Water Rule and the Waters of the U.S.

1040-

1055

Clean Water Rule and what currently are Waters of the U.S., where a permit would be required from the Corps of Engineers prior to any changes in streams and wetlands.

Instructor: Jeannette Schafer, EPA R7 WWPD"

Moderator: Amy Shields, EPA R7"

Jeannette Schafer

Meramec River/ Big River UWFP EPA Lead
Iowa 404/Wetlands State Coordinator
Life Scientist

U.S. EPA, WWPD/ WPIB/ WWSP, 11201 Renner Blvd., Lenexa, KS 66219 |P: 913-551-7297

<image002.png>

Task

Subject: Recurring WOTUS Informal Rule Workgroup Meeting -- Link to "ditch" brainstorming Sharepoint document
Start Date: 2/14/2018
Due Date: 2/22/2018

Status: Completed
Percent Complete: 1

Total Work: 0
Actual Work: 0

Owner: Schafer, Jeannette

From: Downing, Donna
Sent: Monday, February 12, 2018 3:58 PM
To: Williams, Ann; Keating, Jim; Bennett, Brittany; Eisenberg, Mindy; McDavit, Michael W.; Goodin, John; Balasa, Kate; Palomaki, Ashley; Martinez, Maria; Moffatt, Brett; Feinmark, Phyllis; Adamson, Joseph; Goodwin, Kara; Jensen, Stacey M CIV USARMY HQDA (US); Sachs, Erica; Shamet, Stefania; Somerville, Eric; Able, Tony; Melgin, Wendy; Schaller, Andrea; Fontenot, Alison; Schafer, Jeannette; McCarthy, Julia; Leidy, Robert; Dean, Heather; Cherry, Andrew; Stokely, Peter; Wehling, Carrie; Kupchan, Simma; Flannery-Keith, Erin; Kwok, Rose; Christensen, Damaris; Ludwig-Monty, Sarah; Wesson, Dolores; cindy.s.barger; Morgan, James; Speir, Jeffrey; Connors, Sandra; Horchem, Brad; Gude, Karen; Alexander, Laurie; Swackhammer, J-Troy; Roberts, Cindy; Peak, Tracy; Chemerys, Ruth; Curtis, Glenn; LeClair, Jacqueline; Forren, John; Steiner-Riley, Cara; Trevino, Jeffery; Witgenstein, Melinda M CIV USARMY CENWD (US); Ryland, Renea; McLaren, William; Morgan, Joseph; Schaefer-Gomez, Julia; Warren, Nicholas; Wendelowski, Karyn
Cc: Volk, Everett
Subject: Recurring WOTUS Informal Rule Workgroup Meeting -- Link to "ditch" brainstorming Sharepoint document
Categories: EZ Record - Shared

Hi Workgroupies –

At last week's meeting I posed a rule/preamble drafting challenge we might face: how to define "ditch." To spur thinking and online discussion in advance of the February 22nd meeting (1-2pm), here's a Sharepoint document for some collective brainstorming:

Ex. 6 Personal Privacy (PP)/ internal URL

Have at it! And, thanks in advance.

Donna

Donna Downing

Jurisdiction Team Leader

Office of Wetlands, Oceans & Watersheds

U.S. Environmental Protection Agency

ph: (202) 566-1367

downing.donna@epa.gov

USPS Address:

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Delivery Address:

1301 Constitution Avenue, NW, room 7214-D

Washington, DC 20004

Appointment

From: DeLong, Tiffany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4CC4B551EA744858A06FBB5228E78694-DELONG, TIF]
Sent: 4/4/2019 5:29:47 PM
To: DeLong, Tiffany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4cc4b551ea744858a06fbb5228e78694-Delong, Tif]; Daniels, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=03b48a9e82874d25ba37657733b698af-DANIELS, JASON]; Schafer, Jeannette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=43e304a50ae841e9bdba7b9f87b50efa-SCHAFER, JEANNETTE]; Chamberlain, Eliodora [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d0109f402442da9e4d54d22952c031-CHAMBERLAIN, ELIODORA]; Garcia, Delia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13d441e8a9634e34b57226a81676f0d5-GARCIA, DELIA]; Ousley, Jennifer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ecba1e504bd4d22be72538f01fbf720-OUSLEY, JENNIFER]; Blount, Joe [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5a6f16e23d7b4b95833d8ce94040a2fa-BLOUNT, JOE]; **Ex. 6 Personal Privacy (PP)**
Ex. 6 Personal Privacy (PP) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user4024f550]; **Ex. 6 Personal Privacy (PP)**
[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3d64ad09]; R7-
Ex. 6 Personal Privacy (PP) ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user99ece61a]
CC: Curtis, Glenn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=29eb9f6ad9054e3c94a43e93443e7996-CURTIS, GLENN]; Tilley, Amber [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5711efb4880941b1af18f2eabc143136-TUCKER, AMBER]; DuPree, Gabriel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ee3fac6093004670b319b0266f3771a1-Dupree, Gab]
Subject: Wetlands Team meeting. Call in number 913-551-8624 Password 100200#
Attachments: ~~Untitled Attachment~~; ~~Untitled Attachment~~; Untitled Attachment; Canceled: Wetlands Team meeting. Call in number
Ex. 6 Personal Privacy (PP)
Location: R7-RO1.4-D06-20/R7-RO
Start: 3/14/2019 2:30:00 PM
End: 3/14/2019 4:00:00 PM
Show Time As: Busy
Recurrence: Weekly
every Thursday from 9:30 AM to 11:00 AM

New call in line

AGENDA draft:

- 1- Topics everyone needs to hear -
 - a. Money updates : EPM
 - b. Other as identified
 - c. Topics not discussed at last meeting
- 2- Round robin
 - a. Those who need to leave go first – usually Delia, Jennifer, Joe, Glenn
 - b. Team members
 - i. Large projects
 - ii. National/regional workgroup updates
 - iii. other

Appointment

To: R7-Conflin-[Ex. 6 Personal Privacy (PP)]P10XXXX/Phone/R7-RO [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user99ece61a]; R7-Conflin-[Ex. 6 Personal Privacy (PP)]P10XXXX/Phone/R7-RO [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3d64ad09]; DeLong, Tiffany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4cc4b551ea744858a06fbb5228e78694-Delong, Tif]; Daniels, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=03b48a9e82874d25ba37657733b698af-DANIELS, JASON]; Schafer, Jeannette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=43e304a50ae841e9bdba7b9f87b50efa-SCHAFER, JEANNETTE]; Chamberlain, Eliodora [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d0109f402442da9e4d54d22952c031-CHAMBERLAIN, ELIODORA]; Garcia, Delia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13d441e8a9634e34b57226a81676f0d5-GARCIA, DELIA]; Ousley, Jennifer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ecba1e504bd4d22be72538f01fbf720-OUSLEY, JENNIFER]; Blount, Joe [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5a6f16e23d7b4b95833d8ce94040a2fa-BLOUNT, JOE]; R7-Conflin-[Ex. 6 Personal Privacy (PP)]P10XXXX/Phone/R7-RO [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user4024f550]; Weilert, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=64c974e4b0ed40a68e5bb7c6eccadb35-Weilert, St]

CC: Curtis, Glenn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=29eb9f6ad9054e3c94a43e93443e7996-CURTIS, GLENN]; Tilley, Amber [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5711efb4880941b1af18f2eabc143136-TUCKER, AMBER]; DuPree, Gabriel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ee3fac6093004670b319b0266f3771a1-Dupree, Gab]; Gaggero, Jaime [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=45c48952d46846ec9d4b3d5439cca62e-Gaggero, Ja]

Subject: Canceled: Wetlands Team meeting. Call in number [Ex. 6 Personal Privacy (PP)]

Start: 7/25/2019 2:30:00 PM

End: 7/25/2019 4:00:00 PM

Show Time As: Free

Importance: High

Recurrence: (none)

UPDATE: Cancelling for today with all the absences. See you next week!

AGENDA:

- 1- Topics everyone needs to hear – Skip as needed
 - a. Money updates : EPM
 - b. National/regional workgroup updates
 - i. DARTER – When Brian sets it, everyone goes.
 - ii. Enforcement – Regional: every other Thursday 1:00, National: ?
 - iii. ESTP --
 - iv. Mitigation – third Wednesday 1:00
 - v. Mitigation rule-making - ?
 - vi. National Program – third Thursday 1:00
 - vii. WOTUS rule-making – every other Wednesday 1:00

- xi. WOTUS implementation – every other Thursday 12:00
 - xii. NWCA
 - xiii. 404c
 - c. Other topic/s as identified – NEPA
 - d. Topics not discussed/finished at last meeting (during mtg, add to next meeting agenda)
- 2- Round robin
- a. Those who need to leave early, go first – usually Delia, Jennifer, (Jaime?)
 - b. Team members
 - i. Large projects
 - ii. other

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From: DeLong, Tiffany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4CC4B551EA744858A06FBB5228E78694-DELONG, TIF]
Sent: 4/4/2019 5:29:47 PM
To: DeLong, Tiffany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4cc4b551ea744858a06fbb5228e78694-Delong, Tif]; Daniels, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=03b48a9e82874d25ba37657733b698af-DANIELS, JASON]; Schafer, Jeannette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=43e304a50ae841e9bdba7b9f87b50efa-SCHAFER, JEANNETTE]; Chamberlain, Eliodora [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d0109f402442da9e4d54d22952c031-CHAMBERLAIN, ELIODORA]; Garcia, Delia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13d441e8a9634e34b57226a81676f0d5-GARCIA, DELIA]; Ousley, Jennifer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ecba1e504bd4d22be72538f01fbf720-OUSLEY, JENNIFER]; Blount, Joe [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5a6f16e23d7b4b95833d8ce94040a2fa-BLOUNT, JOE]; R7-Conflin-Ex. 6 Personal Privacy (PP) P10XXXX/Phone/R7-RO [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user4024f550]; Weilert, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=64c974e4b0ed40a68e5bb7c6eccadb35-Weilert, St]; R7-Conflin-Ex. 6 Personal Privacy (PP) P10XXXX/Phone/R7-RO [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3d64ad09]; R7-Conflin-Ex. 6 Personal Privacy (PP) P10XXXX/Phone/R7-RO [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user99ece61a]
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Subject: Wetlands Team meeting. Call in number: Ex. 6 Personal Privacy (PP)
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Location: R7-RO1.4-D06-20/R7-RO

Start: 3/14/2019 2:30:00 PM
End: 3/14/2019 4:00:00 PM
Show Time As: Busy

Recurrence: Weekly
every Thursday from 9:30 AM to 11:00 AM

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ii. other

Appointment

From: Schafer, Jeannette [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=43E304A50AE841E9BDBA7B9F87B50EFA-SCHAFER, JEANNETTE]
Sent: 11/7/2018 3:43:09 PM
To: Daniels, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=03b48a9e82874d25ba37657733b698af-DANIELS, JASON]; Eliodora Chamberlain (chamberlain.eliodora@epa.gov) [chamberlain.eliodora@epa.gov]; DeLong, Tiffany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4cc4b551ea744858a06fbb5228e78694-Delong, Tif]; Garcia, Delia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13d441e8a9634e34b57226a81676f0d5-GARCIA, DELIA]; Tipton, Lantz [tipton.lantz@epa.gov]; Muehlberger, Christopher [muehlberger.christopher@epa.gov]
Subject: WOTUS interagency workgroup meeting -- more info on upcoming Step 2 briefing
Location: ?
Start: 11/8/2018 4:00:00 PM
End: 11/8/2018 5:00:00 PM
Show Time As: Tentative

Appointment

From: Schafer, Jeannette [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=43E304A50AE841E9BDBA7B9F87B50EFA-SCHAFFER, JEANNETTE]
Sent: 11/7/2018 3:41:28 PM
To: Daniels, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=03b48a9e82874d25ba37657733b698af-DANIELS, JASON]; Eliodora Chamberlain (chamberlain.eliadora@epa.gov) [chamberlain.eliadora@epa.gov]; DeLong, Tiffany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4cc4b551ea744858a06fbb5228e78694-Delong, Tif]; Garcia, Delia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13d441e8a9634e34b57226a81676f0d5-GARCIA, DELIA]; Tipton, Lantz [tipton.lantz@epa.gov]; Muehlberger, Christopher [muehlberger.christopher@epa.gov]
Subject: WOTUS interagency workgroup meeting -- more info on upcoming Step 2 briefing
Location: ?
Start: 11/7/2018 4:00:00 PM
End: 11/7/2018 5:00:00 PM
Show Time As: Tentative

Appointment

From: Schafer, Jeannette [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=43E304A50AE841E9BDBA7B9F87B50EFA-SCHAFFER, JEANNETTE]
Sent: 11/7/2018 8:32:46 PM
To: Daniels, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=03b48a9e82874d25ba37657733b698af-DANIELS, JASON]; Eliodora Chamberlain (chamberlain.eliodora@epa.gov) [chamberlain.eliodora@epa.gov]; DeLong, Tiffany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4cc4b551ea744858a06fbb5228e78694-Delong, Tif]; Garcia, Delia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13d441e8a9634e34b57226a81676f0d5-GARCIA, DELIA]; Tipton, Lantz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d789919a574e4768a23bf367af9245eb-TIPTON, LANTZ]; Muehlberger, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4cc02ba1a6e340c1bc79ce16ce72e6b6-MUEHLBERGER, CHRISTOPHER]
Subject: Canceled: CANCEL - WOTUS interagency workgroup meeting -- more info on upcoming Step 2 briefing
Location: ?
Start: 11/8/2018 4:00:00 PM
End: 11/8/2018 5:00:00 PM
Show Time As: Free
Importance: High

Appointment

Start: 5/2/2019 2:30:00 PM

End: 5/2/2019 4:00:00 PM

Show Time As: Busy

Recurrence: (none)

New call in line

Today

– Delegation to BC for signing CWA 404 comments

-Volunteers for WOTUS Step 2 responding to comments (Will also be mapping, implementation workgroups)

AGENDA draft:

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Message

Sent: 11/8/2018 2:15:09 PM
To: Sutin, Elyana [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f706635f0db94d408da8c8fbaf7556f9-Sutin, Elyana]; Schefski, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f666f00873dc483ea51b5afadf6d1184-KSCHEFSK]; Perkins, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2e346dbd35a463ab95787e5d0d1ba97-Perkins, Erin]; Denawa, Mai [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a58d84dcb8d448a5849aa39226698f10-Denawa, Mai]
Subject: FW: Date-s been changed! RE: WOTUS interagency workgroup -- opportunity to listen to the Thursday Step 2 briefing

From: Wehling, Carrie

Sent: Thursday, November 8, 2018 6:35 AM

To: Beveridge, Laura <Beveridge.Laura@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Clovis, Debora <Clovis.Debora@epa.gov>; Denawa, Mai <Denawa.Mai@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Forren, John <Forren.John@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; Kermish, Laurie <Kermish.Laurie@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>; Kopf, Jeff <Kopf.Jeff@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Landers, Timothy <Landers.Timothy@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Mikalian, Charles <mikalian.charles@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Muehlberger, Christopher <muehlberger.christopher@epa.gov>; Muller, Sheldon <Muller.Sheldon@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Pallesen, Reginald A. <pallesen.reginald@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Rucki, Thomas <Rucki.Thomas@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Schwartz, Paul <Schwartz.Paul@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Topping, Brian <Topping.Brian@epa.gov>; Trevino, Jeffery <trevino.jeffery@epa.gov>; Vinch, James <Vinch.James@epa.gov>; Volk, Everett <volk.everett@epa.gov>; VonVacano, Marcela <VonVacano.Marcela@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wester, Barbara <wester.barbara@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>
Subject: FW: Date-s been changed! RE: WOTUS interagency workgroup -- opportunity to listen to the Thursday Step 2 briefing

FYI – changed to next week.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Downing, Donna

Sent: Wednesday, November 07, 2018 5:06 PM

To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Middleton, Chandra <middleton.chandra@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; McDavit, Michael W. <McDavit.Michael@epa.gov>; Goodwin, Kara <goodwin.kara@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Harrington, Rachel <harrington.rachel@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>

Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

Subject: Date-s been changed! RE: WOTUS interagency workgroup -- opportunity to listen to the Thursday Step 2 briefing

Hi everybody:

Dave Ross just changed the date and time for the WOTUS Step 2 briefing to Thursday, November 15 from 4 to 5pm. So we're changing our Informal WOTUS Rule Workgroup briefing-and-popcorn party to next Thursday, 11/15 from 4 to 5pm, still in the Potomac Conference Room, EPA West 7301.

Hope you can still come!

Donna

From: Downing, Donna

Sent: Tuesday, November 06, 2018 3:50 PM

To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Rose Kwok <Kwok.Rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Middleton, Chandra <middleton.chandra@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; McDavit, Michael W. <McDavit.Michael@epa.gov>; Goodwin, Kara <goodwin.kara@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Peter Stokely <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; James Morgan <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Cindy Roberts <Roberts.Cindy@epa.gov>; Harrington, Rachel <harrington.rachel@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>

Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

Subject: WOTUS interagency workgroup -- opportunity to listen to the Thursday Step 2 briefing

Hi Informal WOTUS Rule Workgroupies here in DC:

For those of us at HQ (in other words, without a WDD with whom to watch the WOTUS Step 2 briefing), I wanted to invite you to watch the briefing webinar with us in Potomac Conference Room, EPA West 7301. This will be this Thursday, 11/8 from 11am to 12. We may even have popcorn!

Evidently the briefing will run out of Dave Ross' office and so has very little space. Plus, they're less likely to have popcorn.

Hope you can join us in Potomac!

Donna

From: Downing, Donna

Sent: Tuesday, November 06, 2018 10:59 AM

To: Connors, Sandra <Connors.Sandra@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Shao, Nicole <Shao.Nicole@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Goodwin, Kara <goodwin.kara@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Sachs, Erica <Sachs.Erica@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Flannery-Keith, Erin <Flannery-Keith.Erin@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; cindy.s.barger <cindy.s.barger.civ@mail.mil>; Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Curtis, Glenn <curtis.glenn@epa.gov>; LeClair, Jacqueline <Leclair.Jackie@epa.gov>; Forren, John <Forren.John@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Trevino, Jeffery <trevino.jeffery@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; McLaren, William <mclaren.william@epa.gov>; Morgan, Joseph <Morgan.Joseph@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Middleton, Chandra <middleton.chandra@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; Bujak, Charissa <bujak.charissa@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Harrington, Rachel <harrington.rachel@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Carman, Elliott N CIV USARMY CESWD (US) <Elliott.N.Carman@usace.army.mil>

Subject: WOTUS interagency workgroup meeting -- more info on upcoming Step 2 briefing

Hi WOTUS Workgroupies:

The WOTUS Step 2 briefing at EPA was just scheduled for this Thursday, November 8, at 11am EST. The WDDs received the invitation. Some of you asked about the “no delegate” indicator on the invitation and whether that means workgroup staff and others can’t join a WDD to listen. I checked, and the “no delegate” note is to indicate the WDDs are invited and are expected to attend, as opposed to delegating the meeting to another. The WDDs should feel free to invite staff they feel is appropriate.

I understand that the Army Corps is planning a parallel discussion with their field managers and staff.

Feel free to give me a call if you have questions.

Thanks!

Donna

Donna Downing
Jurisdiction Team Leader
Office of Wetlands, Oceans & Watersheds

U.S. Environmental Protection Agency

ph: (202) 566-1367

downing.donna@epa.gov

USPS Address:

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Delivery Address:

1301 Constitution Avenue, NW, room 7214-D

Washington, DC 20004

Message

From: Perkins, Erin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E346DBD35A463AB95787E5D0D1BA97-PERKINS, ERIN]
Sent: 11/7/2019 7:29:59 PM
To: Volk, Everett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f6467e89aabc459d8ae86701ef1a79ed-Volk, Everett]
Subject: RE: Final Step 1 Rule Published today

thanks

From: Volk, Everett <volk.everett@epa.gov>
Sent: Thursday, November 7, 2019 12:27 PM
To: Perkins, Erin <Perkins.Erin@epa.gov>
Subject: FW: Final Step 1 Rule Published today

I'm not sure if you're on this distribution list. Forwarding just in case.

Everett Volk
Senior Assistant Regional Counsel
U.S. EPA Region 8
303-312-7290

From: Kwok, Rose <Kwok.Rose@epa.gov>
Sent: Thursday, November 7, 2019 11:16 AM
To: Downing, Donna <Downing.Donna@epa.gov>; Rzeznik, Dana <rzeznik.dana@epa.gov>; Pfeifer, David <pfeifer.david@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Goodwin, Kara <goodwin.kara@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Sachs, Erica <Sachs.Erica@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; LeClair, Jacqueline <Leclair.Jackie@epa.gov>; Trevino, Jeffery <trevino.jeffery@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Morgan, Joseph <Morgan.Joseph@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Bujak, Charissa <bujak.charissa@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Harrington, Rachel <harrington.rachel@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Kasperek, Lauren <kasperek.lauren@epa.gov>; Beveridge, Laura <Beveridge.Laura@epa.gov>; Montella, Daniel <Montella.Daniel@epa.gov>; Guarisco, Brad A CIV USARMY CEMVN (US) <Brad.A.Guarisco@usace.army.mil>; Alafat, Beth <alafat.beth@epa.gov>; Jensen, Amy A. <jensen.amy@epa.gov>; EPA Wetlands Managers <EPA.Wetlands.Managers@epa.gov>
Cc: Gaggero, Jaime <gaggero.jaime@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Stacey Jensen

<stacey.m.jensen.civ@mail.mil>; Massey, Matt <Massey.Matt@epa.gov>; Doley, Todd <Doley.Todd@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>

Subject: RE: Final Step 1 Rule Published today

Hi Informal Rule Workgroup members and Wetland Managers,

At the last monthly wetlands call, some folks requested materials that compare the Step 1 final with the 2015 Clean Water Rule. I have attached some materials for your educational purposes. Please note that some of these documents are either 1) not public documents and should be used internally only or 2) have been made public when we were rolling out the Clean Water Rule in 2015 but have not been officially "blessed" by our current leadership. I have noted these accordingly, which is why these materials are for your internal use and educational purposes and are not for distribution.

- 1) Baseline Background Table (attached): This a table that we had developed for the Step 2 proposed rule RPA and EA, but it got pulled from the final version of the documents. Please do **not** distribute this table.
- 2) Comparison Table used for CWR Rollout (attached): This compares the pre-2015 regulatory text (as written and not as implemented) with the CWR and has been used publicly, but was not officially blessed by this administration. Because this is a regulatory text comparison, it is not a helpful in describing the implementation differences. Similarly, there is a table in one of the factsheets used for the CWR rollout that also compares the pre-2015 regs with the CWR but is a straight text comparison. It is at:

Ex. 6 Personal Privacy (PP)/ internal URL

- 3) Description of differences that are in the EA for the Step 1 final (attached): This language was reviewed by senior leadership and is public. These are excerpts from the EA – for the full section, see pages 7-21 of the EA, available at: https://www.epa.gov/sites/production/files/2019-09/documents/wotus_rin-2040-af74_final_ea_508compliant_20190905.pdf.

Also, during our last informal workgroup call, several folks asked for language that could be used to answer general inquiries about how the Step 1 Final Rule, once effective, will impact waters on their property. We have come up with a few responses that have been reviewed by OGC and the Corps, and those are attached. There are responses for parts of the country using the 2015 Clean Water Rule, pre-2015 practice, and in New Mexico, where we are still awaiting additional court clarification. I'll add these documents as well to the Sharepoint in this folder:

Ex. 6 Personal Privacy (PP)/ internal URL

As a reminder, please remember to document any meetings you are having at attached Excel file (if you don't have access to the meeting tracking spreadsheet, please let me know).

Please feel free to be in touch with questions. Sorry for the delay in getting this out to you.

Rose

Rose Kwok
U.S. Environmental Protection Agency
Oceans, Wetlands, and Communities Division
kwok.rose@epa.gov
202-566-0657

From: Kwok, Rose

Sent: Tuesday, October 22, 2019 9:31 AM

To: Downing, Donna <Downing.Donna@epa.gov>; Rzeznik, Dana <rzeznik.dana@epa.gov>; Pfeifer, David

<pfeifer.david@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; ODea, Elise <odea.elise@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Schillo, Bruce' <Schillo.Bruce@epa.gov>; 'Williams, Ann' <Williams.Ann@epa.gov>; 'Keating, Jim' <Keating.Jim@epa.gov>; 'Bennett, Brittany' <bennett.brittany@epa.gov>; 'Eisenberg, Mindy' <Eisenberg.Mindy@epa.gov>; 'McDavitt, Michael W.' <Mcdavitt.Michael@epa.gov>; 'Moffatt, Brett' <Moffatt.Brett@epa.gov>; 'Feinmark, Phyllis' <Feinmark.Phyllis@epa.gov>; 'Goodwin, Kara' <goodwin.kara@epa.gov>; 'Jensen, Stacey M CIV USARMY HQDA (US)' <Stacey.M.Jensen@usace.army.mil>; 'Sachs, Erica' <Sachs.Erica@epa.gov>; 'Shamet, Stefania' <Shamet.Stefania@epa.gov>; 'Somerville, Eric' <Somerville.Eric@epa.gov>; 'Schaller, Andrea' <schaller.andrea@epa.gov>; 'Schafer, Jeannette' <schafer.jeannette@epa.gov>; 'McCarthy, Julia' <McCarthy.Julia@epa.gov>; 'Leidy, Robert' <Leidy.Robert@epa.gov>; 'Cherry, Andrew' <Cherry.Andrew@epa.gov>; 'Stokely, Peter' <Stokely.Peter@epa.gov>; 'Christensen, Damaris' <Christensen.Damaris@epa.gov>; 'Ludwig-Monty, Sarah' <ludwig-monty.sarah@epa.gov>; 'Wesson, Dolores' <Wesson.Dolores@epa.gov>; 'Morgan, James' <Morgan.James@epa.gov>; 'Speir, Jeffrey' <speir.jeffrey@epa.gov>; 'Gude, Karen' <Gude.Karen@epa.gov>; 'Alexander, Laurie' <Alexander.Laurie@epa.gov>; 'Swackhammer, J-Troy' <Swackhammer.J-Troy@epa.gov>; 'Roberts, Cindy' <Roberts.Cindy@epa.gov>; 'Chemerys, Ruth' <Chemerys.Ruth@epa.gov>; 'LeClair, Jacqueline' <Leclair.Jackie@epa.gov>; 'Trevino, Jeffery' <trevino.jeffery@epa.gov>; 'Ryland, Renea' <Ryland.Renea@epa.gov>; Morgan, Joseph <Morgan.Joseph@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Bujak, Charissa <bujak.charissa@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Harrington, Rachel <harrington.rachel@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Kasperek, Lauren <kasperek.lauren@epa.gov>; Beveridge, Laura <Beveridge.Laura@epa.gov>; Montella, Daniel <Montella.Daniel@epa.gov>; 'Guarisco, Brad A CIV USARMY CEMVN (US)' <Brad.A.Guarisco@usace.army.mil>; Alafat, Beth <alafat.beth@epa.gov>; Jensen, Amy A. <jensen.amy@epa.gov>; EPA Wetlands Managers <EPA_Wetlands_Managers@epa.gov>; EPA Wetlands Program Staff <EPA_Wetlands_Program_Staff@epa.gov>
Cc: Gaggero, Jaime <gaggero.jaime@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; 'Stacey Jensen' <stacey.m.jensen.civ@mail.mil>; Massey, Matt <Massey.Matt@epa.gov>; Doley, Todd <Doley.Todd@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>

Subject: Final Step 1 Rule Published today

Hi All,

The final Step 1 Rule published today in the Federal Register and will become effective on December 23, 2019. I've attached the final rule to this email. Please feel free to share this update with your stakeholders. We have update our website, and the docket on regulations.gov should be updated later this morning with the final rule and supporting documents. During the monthly Wetlands call last week, some of the managers asked for materials comparing the Step 1 rule and the Clean Water Rule. I will send those materials out later today to the informal workgroup and the wetlands managers, noting appropriate caveats about the materials and which are for internal use only.

On October 22, 2019, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published a final rule to repeal the 2015 Clean Water Rule: Definition of "Waters of the United States" ("2015 Rule"), which amended portions of the Code of Federal Regulations (CFR), and to restore the regulatory text that existed prior to the 2015 Rule. The final rule will become effective on December 23, 2019. The agencies will implement the pre-2015 Rule regulations informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding agency practice. <https://www.epa.gov/wotus-rule/step-one-repeal>.

Message

From: Mylott, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=16543F1A0E1A4C4DAFE0611A15C85705-MYLOTT, RICHARD]
Sent: 9/4/2019 2:44:17 PM
To: Bloom, Judy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5094d85839444b28b2151d11a4fe5961-Bloom, Judy]; Volk, Everett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f6467e89aabc459d8ae86701ef1a79ed-Volk, Everett]
Subject: RE: Recurring Informal WOTUS Rule Workgroup Meeting

Thanks Judy. Patrick Davis had been putting together an event in Colorado Springs with reps from homebuilders and ag associations. As of this am, HQ has asked all regions to hold off on any events. I expect they will be providing another date for all regions to do an event.

Rich x 6654

From: Bloom, Judy <Bloom.Judy@epa.gov>
Sent: Wednesday, September 4, 2019 8:41 AM
To: Volk, Everett <volk.everett@epa.gov>
Cc: Mylott, Richard <Mylott.Richard@epa.gov>
Subject: RE: Recurring Informal WOTUS Rule Workgroup Meeting

Everett – I am looping Rich Mylott in since there was an attempt to develop something for the RA and not sure the status at this point.

From: Volk, Everett <volk.everett@epa.gov>
Sent: Wednesday, September 4, 2019 7:59 AM
To: McCarthy, Julia <McCarthy.Julia@epa.gov>; Bloom, Judy <Bloom.Judy@epa.gov>
Subject: FW: Recurring Informal WOTUS Rule Workgroup Meeting

Do you all know if Region 8 has an event planned for this week about WOTUS?

Everett Volk
Senior Assistant Regional Counsel
U.S. EPA Region 8
303-312-7290

From: Kwok, Rose <Kwok.Rose@epa.gov>
Sent: Tuesday, September 3, 2019 4:36 PM
To: Downing, Donna <Downing.Donna@epa.gov>; Guarisco, Brad A CIV USARMY CEMVN (US) <Brad.A.Guarisco@usace.army.mil>; Stacey Jensen <stacey.m.jensen.civ@mail.mil>; Sachs, Erica <Sachs.Erica@epa.gov>; LeClair, Jacqueline <Leclair.Jackie@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Montella, Daniel <Montella.Daniel@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Trevino, Jeffery <trevino.jeffery@epa.gov>; Rzeznik, Dana <rzeznik.dana@epa.gov>; Pfeifer, David <pfeifer.david@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; Gaggero, Jaime <gaggero.jaime@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Morgan, Joseph <Morgan.Joseph@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Bujak, Charissa <bujak.charissa@epa.gov>; Jensen, Amy A. <jensen.amy@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>;

Stokely, Peter <Stokely.Peter@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Morgan, James <Morgan.James@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Goodwin, Kara <goodwin.kara@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Beck, Whitney <beck.whitney@epa.gov>; Kasperek, Lauren <kasperek.lauren@epa.gov>; Harrington, Rachel <harrington.rachel@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>

Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>

Subject: RE: Recurring Informal WOTUS Rule Workgroup Meeting

DRAFT, DELIBERATIVE

Hi All –

We'll plan to meet tomorrow (Wednesday). We'll plan to give updates on Step 1 and Step 2.

Step 1 cleared OMB on Friday, as noted on OMB's website. <https://www.reginfo.gov/public/do/eoDetails?rrid=129319>.

What is not yet public knowledge and is a close hold is the signature date. We are hearing this Thursday, and know that the regions have planned events on Thursday and Friday. However, there is still some discussion of timing in light of the hurricane, so we'll keep you posted as we learn more (though you may learn this before us).

We saw that updated TPs were sent out to the PADs today. If you have not seen them, please let me know. I'll check with our comms shop to ensure that these will not be updated further (this may depend on timing of signature).

Please make sure that you have added all meetings to the meeting tracking spreadsheet, definitely before 10 AM on Wednesday.

1. Template for tracking Regional meetings on WOTUS:

Ex. 6 Personal Privacy (PP)/ internal URL

2. Template for HQ tracking of meetings on WOTUS:

Ex. 6 Personal Privacy (PP)/ internal URL

3. Folder for saving documents shared during meetings (including presentations, agenda, etc., handouts, etc. (shared by EPA or shared with EPA by the stakeholder group).:

Ex. 6 Personal Privacy (PP)/ internal URL

We still need to update the Workgroup meeting invitation, so I'll ensure to forward the invitation to those of you who are not on the old invitation.

Talk to you tomorrow,
Rose

Rose Kwok
U.S. Environmental Protection Agency
Oceans, Wetlands, and Communities Division
kwok.rose@epa.gov
202-566-0657

-----Original Appointment-----

From: Downing, Donna

Sent: Monday, April 29, 2019 6:43 PM

To: Purify, Johnnie; Downing, Donna; Goodin, John; Curtis, Glenn; Wehling, Carrie; Kupchan, Simma; Corrales, Mark; Shao, Nicole; Schillo, Bruce; Williams, Ann; Keating, Jim; Bennett, Brittany; Eisenberg, Mindy; McDavit, Michael W.; Palomaki, Ashley; Martinez, Maria; Moffatt, Brett; Feinmark, Phyllis; Goodwin, Kara; Jensen, Stacey M CIV USARMY HQDA (US); Sachs, Erica; Shamet, Stefania; Somerville, Eric; Melgin, Wendy; Schaller, Andrea; Schafer, Jeannette; McCarthy, Julia; Leidy, Robert; Dean, Heather; Cherry, Andrew; Stokely, Peter; Kwok, Rose; Christensen, Damaris; Ludwig-Monty, Sarah; Wesson, Dolores; cindy.s.barger; Morgan, James; Speir, Jeffrey; Gude, Karen; Alexander, Laurie; Swackhammer, J-Troy; Roberts, Cindy; Chemerys, Ruth; LeClair, Jacqueline; Forren, John; Steiner-Riley, Cara; Trevino, Jeffery; Ryland, Renea; McLaren, William; Morgan, Joseph; Warren, Nicholas; Wendelowski, Karyn; Volk, Everett; Rush, Randall; Przyborski, Jay; Lapp, Jeffrey; Purify, Johnnie; Bujak, Charissa; Whitley, Annie; Harrington, Rachel; Grossarth, Shari; Kasperek, Lauren; Beveridge, Laura; Montella, Daniel; Guarisco, Brad A CIV USARMY CEMVN (US); Alafat, Beth; Jensen, Amy A.; De Bruhl, Colin

Cc: Gaggero, Jaime; Fulton, Jennifer; Beck, Whitney; Stacey Jensen

Subject: Recurring Informal WOTUS Rule Workgroup Meeting

When: Wednesday, September 04, 2019 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: DCRoomWest7301/DC-CCW-OWOW

Hi Workgroupies:

This is a meeting renewal of our recurring WOTUS Informal Workgroup meeting to Wednesdays 2pm EST. Telecom: call: **Ex. 6 Personal Privacy (PP)** Room: 7301 EPA West, the Potomac Conference Room. I'll send a correction if the room becomes unavailable but its availability looks good so far. This invitation sending is re-sending the invitation to reserve 7301 after the initial Outlook rejection. This renewal is in addition to the one-time Workgroup meeting invitation Rose sent for Wednesday, May 1st at 2pm (thanks, Rose!)

I've tried to update the invitation list. However, if you no longer are working on WOTUS issues and/or want to be off the list, or if you're not on the list and keep having to have the invitation forwarded to you, please let me know what I should correct.

I hope you can join us at the May 15th meeting. Even if you can't, please accept this invitation so that subsequent meetings make it onto your calendar. Thanks!

As always, please give me a call if you have any questions.

Donna

PS Hopefully I won't mess up the recurrence request in Outlook. If so, I apologize in advance!!

Message

From: Bloom, Judy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5094D85839444B28B2151D11A4FE5961-BLOOM, JUDY]
Sent: 8/30/2019 2:47:04 PM
To: McClain-Vanderpool, Lisa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=972a6f345c3c4e3099fe8ec166ebc712-LVANDERP]
CC: Perkins, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2e346dbd35a463ab95787e5d0d1ba97-Perkins, Erin]; Volk, Everett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f6467e89aabc459d8ae86701ef1a79ed-Volk, Everett]
Subject: FW: WOTUS event in R8
Attachments: WOTUS Step 1 One Pager Talking Points 8-28-19.docx

Lisa – sharing this from Julia if you haven't seen yet. This does include a link with comments from our states.

From: McCarthy, Julia <McCarthy.Julia@epa.gov>
Sent: Thursday, August 29, 2019 10:22 AM
To: Bloom, Judy <Bloom.Judy@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>
Subject: FW: WOTUS event in R8

Judy, Johanna, Bert and Darcy,
Attached are the draft talking points for the potential event next week. They're still undergoing edit/review, so are close hold. They've been distributed to the PADs.

Also here's the update I got yesterday from the rule workgroup:

- We are still on track for signature next week – likely mid-week. We'll send out the final comms materials once they are ready.
- We learned yesterday that OPA is asking the Regions to do events corresponding to next week's WOTUS announcement. This is a new thing. Your PADs have been given draft talking points, which are still undergoing review. Feel free to be in touch with me with any questions.
 - Some of you have been asking about your states' comments on the proposed rule in 2014. We have a summary of state comments for that proposed rule posted here on our 2015 Rule SharePoint Site. If you have trouble accessing this document, please let me know:

Ex. 6 Personal Privacy (PP)/ internal URL

- In addition, all of the state comments are posted on that SharePoint site here:

Ex. 6 Personal Privacy (PP)/ internal URL

- **Ex. 6 Personal Privacy (PP)/ internal URL** Also let me know if you have problems accessing this, but I'll try to get everyone added to this part of the site.
- We also have the database of comments from the 2014 rule. You can sort by commenter category and state (for example, if you are looking for ag specific comments in your states). I've added the database here:

Ex. 6 Personal Privacy (PP)/ internal URL

Ex. 6 Personal Privacy (PP)/ internal URL

It would be best to open the database in Excel (instead of Excel Online), and then you can filter and sort as you wish. You can then find the comments on the docket for the Clean Water Rule:

<https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&dct=PS&D=EPA-HQ-OW-2011-0880>. To find the comment of interest, you can use this URL,

<https://www.regulations.gov/document?D=EPA-HQ-OW-2011-0880-15547>, simply replacing the -15547 with the Doc. Number listed in column G of the comment of interest.

- Feel free to let me know if you have any questions about finding comments.

Cheers,
Julia

From: Kwok, Rose <Kwok.Rose@epa.gov>

Sent: Wednesday, August 28, 2019 11:12 AM

To: Christensen, Damaris <Christensen.Damaris@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>

Subject: RE: WOTUS event in R8

Hi Julia!

We just had this sent to us. They are draft (still undergoing review) and are close hold. They have been shared with the PADs.

I'll let you know as I hear more.

Message

From: Perkins, Erin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E346DBD35A463AB95787E5D0D1BA97-PERKINS, ERIN]
Sent: 6/3/2019 9:33:15 PM
To: Wehling, Carrie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3e55f11fdc7489698be69849b301da6-CWEHLING]; Wendelowski, Karyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1d913e7d7397466a803149761a0bdf18-KWENDELO]; Kupchan, Simma [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=784e0aea94a7485fa0435cc0cf5a62a5-SASHER]
CC: Joffe, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0644518d69b8434fa56f868d73cb6657-BJoffe]; Volk, Everett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f6467e89aabc459d8ae86701ef1a79ed-Volk, Everett]
Subject: RE: Review of R8 presentation to the new R8 RA re. WOTUS rule(s)

Thanks tons – appreciate it!

From: Wehling, Carrie
Sent: Monday, June 3, 2019 3:28 PM
To: Perkins, Erin <Perkins.Erin@epa.gov>; Wendelowski, Karyn <>wendelowski.karyn@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Joffe, Brian <Joffe.Brian@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Subject: RE: Review of R8 presentation to the new R8 RA re. WOTUS rule(s)

Copying Simma who is our Step 2 lead.

Ex. 5 Attorney Client (AC)

Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Perkins, Erin
Sent: Monday, June 03, 2019 5:15 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>
Cc: Joffe, Brian <Joffe.Brian@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Subject: Review of R8 presentation to the new R8 RA re. WOTUS rule(s)

Hi Carrie and Karyn –

Hope you are both doing well! I am attaching a presentation prepared by Julia McCarthy for our new RA regarding the various iterations of the definition of WOTUS with a focus on the 2019 proposal. This is NOT for external presentation. As you know, Everett has been R8's rep on this workgroup and has taken over WOTUS for R8 ORC, however he is out of the country currently.

I am going to take a look at this document and I hate to do this to you on short notice, but Brian and I are hoping that

Ex. 5 Attorney Client (AC)

We have managed to get the briefing postponed until Everett is back in the office, but the program would like to send this document ASAP to the RA (like this week sometime). FYI, the RA does not have a background in these issues so this should all be fairly new to him.

I apologize for the short notice and completely understand if you won't have time to look at it...

Thanks for considering!

Erin

Message

From: Wehling, Carrie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: 6/3/2019 9:28:10 PM
To: Perkins, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2e346dbd35a463ab95787e5d0d1ba97-Perkins, Erin]; Wendelowski, Karyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1d913e7d7397466a803149761a0bdf18-KWENDELO]; Kupchan, Simma [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=784e0aea94a7485fa0435cc0cf5a62a5-SASHER]
CC: Joffe, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0644518d69b8434fa56f868d73cb6657-BJoffe]; Volk, Everett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f6467e89aabc459d8ae86701ef1a79ed-Volk, Everett]
Subject: RE: Review of R8 presentation to the new R8 RA re. WOTUS rule(s)
Attachments: WOTUS RA Briefing_Updated.pptx

Copying Simma who is our Step 2 lead.

Re the map: Colorado is now covered by 2015 rule. NM should be shaded or otherwise marked as a question – we have formally requested clarification from the court on the status of the counties that have intervened in that case.

Thanks.

Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Perkins, Erin
Sent: Monday, June 03, 2019 5:15 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <>wendelowski.karyn@epa.gov>
Cc: Joffe, Brian <Joffe.Brian@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Subject: Review of R8 presentation to the new R8 RA re. WOTUS rule(s)

Hi Carrie and Karyn –

Hope you are both doing well! I am attaching a presentation prepared by Julia McCarthy for our new RA regarding the various iterations of the definition of WOTUS with a focus on the 2019 proposal. This is NOT for external presentation. As you know, Everett has been R8's rep on this workgroup and has taken over WOTUS for R8 ORC, however he is out of the country currently.

I am going to take a look at this document and I hate to do this to you on short notice, but Brian and I are hoping that you all could look at slides 14-16 and 18 which compare the various WOTUS rules and includes a map of the applicable definition by state. I am also not clear whether we have received a definitive answer from DOJ as to which rule applies in Colorado currently?

We have managed to get the briefing postponed until Everett is back in the office, but the program would like to send this document ASAP to the RA (like this week sometime). FYI, the RA does not have a background in these issues so this should all be fairly new to him.

I apologize for the short notice and completely understand if you won't have time to look at it...

Thanks for considering!

Erin

Message

From: Denawa, Mai [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A58D84DCB8D448A5849AA39226698F10-DENAWA, MAI]
Sent: 1/26/2018 7:18:35 PM
To: Perkins, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2e346dbd35a463ab95787e5d0d1ba97-Perkins, Erin]; Sutin, Elyana [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f706635f0db94d408da8c8fbaf7556f9-Sutin, Elyana]
CC: Volk, Everett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f6467e89aabc459d8ae86701ef1a79ed-Volk, Everett]
Subject: RE: WOTUS rule procedural framework

Thanks so much Erin for providing this summary and for setting up the meeting with Carrie. It's very helpful.

Everett-let us know if you hear anything about the regional workgroup meeting next week (maybe Thursday)? I'd like to listen-in on that call if possible.

Thanks!
Mai

From: Perkins, Erin
Sent: Thursday, January 25, 2018 3:19 PM
To: Sutin, Elyana <Sutin.Elyana@epa.gov>
Cc: Denawa, Mai <Denawa.Mai@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Subject: WOTUS rule procedural framework

Hello –

Per our meeting this morning, here's the summary from our discussion with Carrie (with some notes included from yesterday's 404 call as well). Mai, please add or correct anything I may have missed or made a mistake...

- 2015 Clean Water Rule stayed nationally by 6th Cir.; 6th Cir. likely to dissolve stay b/c (as a result of S. Ct. opinion), 6th Cir. has no jurisdiction but that has not yet occurred. We have filed various notices in the courts across the country regarding the S. Ct.'s decision.
- "Step 1" rule was proposed on July 27, 2017 – this proposal initiated the first step in a 2-step process intended to review and revise the definition of "waters of the US" consistent with the Executive Order signed on February 28, 2017, "Restoring the Rule of Law, Federalism and Economic Growth by Reviewing the 'Waters of the United States' Rule." The first step proposed to rescind the definition of "waters of the U.S. " in the 2015 Clean Water Rule. The proposal stated that the agencies would apply the definition of "waters of the US" as it is currently being implemented, "that is informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding practice." 82 Fed. Reg. 34899. The proposal stated that in the second step, the agencies will pursue rulemaking in which the agencies would conduct a substantive re-evaluation of the definition. Id.

Here is a link to the proposal:

<https://www.epa.gov/sites/production/files/2017-07/documents/2017-13997.pdf>

Theoretically, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The "Step 2" rule is what is being worked on by the workgroup now.

- “Step 0” rule was proposed on November 22, 2017. The rule would add an applicability date for the Clean Water Rule to 2 years from the date of final action on the “Step 0” proposal. This rule will be finalized very shortly – like maybe within the next week. The proposal states that until the applicability date, the agencies will not implement the 2015 rule, and as was the case under the 6th Cir. stay, continue to implement nationwide the previous regulatory definition of “waters of the United States” (before the CWR), informed by applicable guidance documents and consistent with Supreme Court decisions and longstanding agency practice. The final “Step 0” rule is likely to take this approach as well.

We expect litigation on the “Step 0” rule.

Here is a link to the “Step 0” proposal:

https://www.epa.gov/sites/production/files/2017-11/documents/wotus_2040-af80_nprm_frn_20171115_final_prepub.pdf

Hopefully this helps clarify where the various rulemakings stand... Please let me know if you have any questions.

Thanks,
Erin

Message

From: Volk, Everett [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6467E89AABC459D8AE86701EF1A79ED-VOLK, EVERETT]
Sent: 12/4/2019 11:45:32 PM
To: Perkins, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2e346dbd35a463ab95787e5d0d1ba97-Perkins, Erin]; Sutin, Elyana [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f706635f0db94d408da8c8fbaf7556f9-Sutin, Elyana]; Joffe, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0644518d69b8434fa56f868d73cb6657-BJoffe]; Schefski, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f666f00873dc483ea51b5afadf6d1184-KSCHEFSK]
Subject: FW: WOTUS Update

FYI.

Everett Volk
Senior Assistant Regional Counsel
U.S. EPA Region 8
303-312-7290

From: McCarthy, Julia <McCarthy.Julia@epa.gov>
Sent: Wednesday, December 4, 2019 1:20 PM
To: O'Connor, Darcy <oconnor.darcy@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>; Bloom, Judy <Bloom.Judy@epa.gov>
Cc: Volk, Everett <volk.everett@epa.gov>
Subject: WOTUS Update

Hey All,
Just a few quick updates from our informal WOTUS workgroup call today:

- There are several complaints that have been filed in district courts on the Step 1 Rule (repeal/replace), although so far there are no preliminary injunctions that have been issued.
- It is anticipated that the Step 2 rule will go to OMB today for interagency review. A desk statement has been prepared and will be circulated once the rule heads to OMB. They are projecting a fairly quick turnaround at

Ex. 5 Deliberative Process (DP)

- Before the rule is finalized, the Regions need to make sure any WOTUS presentations/events are documented in HQ spreadsheet for the administrative record – we will want to check in with the RA's office to ensure that any events have been added.
- Mindy Eisenberg will be providing a briefing next week during the WDD meeting on the changes between the current rule text and the proposed Step 2 rule text.

Please let me know if you have any questions,
Julia

Julia McCarthy
Environmental Scientist
Water Division
USEPA Region 8
1595 Wynkoop St (8WD-CWS)

Denver, CO 80202
Mccarthy.julia@epa.gov
303-312-6153

Message

From: Volk, Everett [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6467E89AABC459D8AE86701EF1A79ED-VOLK, EVERETT]
Sent: 9/24/2018 3:31:30 PM
To: Matsumoto, Kimi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38d95be36605427b8c0cc1a79b24209f-Matsumo, Kimi]
Subject: FW: Update: Another PI for the CWR
Attachments: ENV_DEFENSE-#853084-v1-WOTUS_-_North_Dakota_-_Order_clarifying_scope_of_PI_to_include_Iowa.pdf; WOTUS_TPs_9-18-2018.docx; Rule_applicable_9-18-2018.pdf

Update on WOTUS status. I included a bullet point in the energy doc concerning this.

From: Wehling, Carrie
Sent: Wednesday, September 19, 2018 6:24 AM
To: Beveridge, Laura <Beveridge.Laura@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Clovis, Debora <Clovis.Debora@epa.gov>; Denawa, Mai <Denawa.Mai@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Fischer, Lauren <Fischer.Lauren@epa.gov>; Forren, John <Forren.John@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; Kermish, Laurie <Kermish.Laurie@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Kopf, Jeff <Kopf.Jeff@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Landers, Timothy <Landers.Timothy@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Mikalian, Charles <mikalian.charles@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Muehlberger, Christopher <muehlberger.christopher@epa.gov>; Muller, Sheldon <Muller.Sheldon@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Pallesen, Reginald A. <pallesen.reginald@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Rucki, Thomas <Rucki.Thomas@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Schwartz, Paul <Schwartz.Paul@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Topping, Brian <Topping.Brian@epa.gov>; Trevino, Jeffery <trevino.jeffery@epa.gov>; Vinch, James <Vinch.James@epa.gov>; Volk, Everett <volk.everett@epa.gov>; VonVacano, Marcela <VonVacano.Marcela@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wester, Barbara <wester.barbara@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>
Subject: FW: Update: Another PI for the CWR

In case you hadn't seen this update....

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Kwok, Rose
Sent: Tuesday, September 18, 2018 5:13 PM
To: Downing, Donna <Downing.Donna@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>

Shao, Nicole <Shao.Nicole@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Adamson, Joseph <adamson.joseph@epa.gov>; Goodwin, Kara <goodwin.kara@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Sachs, Erica <Sachs.Erica@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Flannery-Keith, Erin <Flannery-Keith.Erin@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; cindy.s.barger <cindy.s.barger.civ@mail.mil>; Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Curtis, Glenn <curtis.glenn@epa.gov>; LeClair, Jacqueline <Leclair.Jackie@epa.gov>; Forren, John <Forren.John@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Trevino, Jeffery <trevino.jeffery@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; McLaren, William <mclaren.william@epa.gov>; Morgan, Joseph <Morgan.Joseph@epa.gov>; Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Middleton, Chandra <middleton.chandra@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; Bujak, Charissa <bujak.charissa@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>

Subject: RE: Update: Another PI for the CWR

Hi Folks,

We've learned that the District Court for the District of North Dakota has issued the attached order, which finds that the preliminary injunction should be extended to the State of Iowa in addition to the original state plaintiffs.

This brings the number of states in which the 2015 Rule is preliminarily enjoined to 28 states, while the 2015 Rule is applicable in the other 22 states, the District of Columbia, and the U.S. territories. Please let others know about this.

I have also attached some updated TPs (updated from the official ones from OW), and have included a TP that has been approved if you are talking to tribes, as we have gotten a few questions about this from the regions. I've also attached the updated map as a PDF, in case it is useful. We have updated our website, though it will take a few minutes for the map to update on [the Rule Status and Litigation Update page](#).

Please let us know if you have any questions!

From: Kwok, Rose

Sent: Tuesday, September 11, 2018 4:38 PM

Subject: Update: Another PI for the CWR

Hi Folks, we have learned that the 2015 Clean Water Rule is now preliminarily enjoined in Texas, Louisiana, and Mississippi due to a ruling earlier today (*Texas v. EPA*, No. 15-00162 (S.D. Tex.)). That means that the CWR is effective in 23 states, DC, and the U.S. territories, while the pre-existing regulation and guidance are in effect in the other 27 states.

We've updated the website to reflect this ruling. This means that the TPs that I sent out earlier today are now old, but I've updated the numbers in the attached.

From: Kwok, Rose

Sent: Tuesday, September 11, 2018 10:24 AM

To: Downing, Donna <Downing.Donna@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Shao, Nicole <Shao.Nicole@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Adamson, Joseph <adamson.joseph@epa.gov>; Goodwin, Kara <goodwin.kara@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Sachs, Erica <Sachs.Erica@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Flannery-Keith, Erin <Flannery-Keith.Erin@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; cindy.s.barger <cindy.s.barger.civ@mail.mil>; Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Peak, Tracy <Peak.Tracy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Curtis, Glenn <curtis.glenn@epa.gov>; LeClair, Jacqueline <Leclair.Jackie@epa.gov>; Forren, John <Forren.John@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Trevino, Jeffery <trevino.jeffery@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; McLaren, William <mclaren.william@epa.gov>; Morgan, Joseph <Morgan.Joseph@epa.gov>; Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Middleton, Chandra <middleton.chandra@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; Bujak, Charissa <bujak.charissa@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>
Subject: FW: WOTUS_TPs.docx

Hi WOTUS Interagency Workgroup members,

A few folks have mentioned that they have some upcoming engagements in their regions. Here are the latest TPs from the OW comms shop for your use for meetings. I'll also post them to the SharePoint.

From: Lieberman, Paige

Sent: Monday, September 10, 2018 3:04 PM

To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Farris, Erika D. <Farris.Erika@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Crawford, Tiffany <Crawford.Tiffany@epa.gov>; Huber, Patrick <Huber.Patrick@epa.gov>

Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>

Subject: WOTUS_TPs.docx

All –

Please see the attached updated talking points on WOTUS. Feel free to share these within EPA for external speaking engagements.

Thanks,
Paige

Paige Lieberman

Acting Director of Stakeholder Engagement

Office of Water

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-9957

Message

From: Volk, Everett [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6467E89AABC459D8AE86701EF1A79ED-VOLK, EVERETT]
Sent: 9/20/2018 6:57:46 PM
To: Sutin, Elyana [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f706635f0db94d408da8c8fbaf7556f9-Sutin, Elyana]; Schefski, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f666f00873dc483ea51b5afadf6d1184-KSCHEFSK]
Subject: FW: WOTUS Step 2 Outreach

FYI. The planned outreach event in SLC came up in the interagency workgroup call this morning.

From: McCarthy, Julia
Sent: Thursday, September 20, 2018 12:03 PM
To: O'Connor, Darcy <oconnor.darcy@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; Hamilton, Karen <Hamilton.Karen@epa.gov>
Cc: Volk, Everett <volk.everett@epa.gov>
Subject: WOTUS Step 2 Outreach

Hi Darcy, Bert and Karen,

On today's WOTUS workgroup call, we were informed that once the Step 2 proposal is released for public comment, the agency leadership is planning to do four large outreach events. These outreach events would include discussions with states and tribes as well as a public hearing. One of the four locations selected is Salt Lake City. I just wanted to give you all a heads up and let you know that I requested that Region 8 staff (Everett and I) and leadership be kept in the loop as these plans develop. I think it important to have regional involvement, particularly given the uniqueness and importance of the wetland resources around the Great Salt Lake and the unique implementation issues that may arise in western states. The outreach event in SLC has not yet been scheduled, but would occur within the 90 day public comment period of the Step 2 rule and by mid-January.

Please let me know if you have any questions.

Thanks,
Julia

Julia McCarthy
Environmental Scientist
Office of Water Protection
USEPA Region 8
1595 Wynkoop St (8WP-AAP)
Mccarthy.julia@epa.gov
303-312-6153

Message

From: Volk, Everett [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6467E89AABC459D8AE86701EF1A79ED-VOLK, EVERETT]
Sent: 2/12/2018 5:07:42 PM
To: Joffe, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0644518d69b8434fa56f868d73cb6657-BJoffe]; Castelli, Matthew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54d9f470210d4f4aaaf59939f688233f-Castelli, M]
Subject: RE: Review of State and Tribal Water Programs (for WOTUS) in Region 8

I'll send the same message when I submit my comments.

From: Joffe, Brian
Sent: Monday, February 12, 2018 9:44 AM
To: Castelli, Matthew <castelli.matthew@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Subject: RE: Review of State and Tribal Water Programs (for WOTUS) in Region 8

Everett – FYI it's not clear if OGC tribal attorneys have had a chance to thoroughly review. I just saw a note from Jane Kloeckner (ORC R7) to the Indian Law Workgroup suggesting this needs work and asking if OGC tribal attorneys have reviewed.

Brian Joffe
Associate Regional Counsel
EPA Region 8
Ph: (303) 312-6499
Fax: (303) 312-6859

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From: Castelli, Matthew
Sent: Friday, February 9, 2018 5:10 PM
To: Volk, Everett <volk.everett@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>
Subject: RE: Review of State and Tribal Water Programs (for WOTUS) in Region 8

Hi Everett,

I was able to perform a quick review of the Tribal document, but Brian and I strongly recommend that whoever is running this process sends this to the OGC Indian Law team prior to finalization.

Thanks,
Matt
Honors Attorney Fellow
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone: (303) 312-6491

From: Volk, Everett
Sent: Thursday, February 8, 2018 3:08 PM
To: Castelli, Matthew <castelli.matthew@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>
Subject: FW: Review of State and Tribal Water Programs (for WOTUS) in Region 8

Gents,

Would either of you care to take a look at this HQ doc on effects on Tribes? Quick turn around. If you have comments you want me to pass along, can you get them to me by the 12th (Monday)?

Thanks,
E

From: McCarthy, Julia
Sent: Thursday, February 8, 2018 2:52 PM
To: Volk, Everett <volk.everett@epa.gov>; Ott, Toney <Ott.Toney@epa.gov>
Cc: Hamilton, Karen <Hamilton.Karen@epa.gov>
Subject: FW: Review of State and Tribal Water Programs (for WOTUS) in Region 8

Hi Everett and Toney,

Thanks for the chat today and thanks again for taking the time to help on this quick turnaround effort. There's info in Mike's email below, but as I mentioned they're looking for additional information we may have on state/tribal waters, programs and regulatory approaches that extend beyond CWA – also whether there are any programs or changes that have occurred after the ELI report or other references cited. I've attached word versions of the two documents – please take a read and provide any comments/edits in track changes and bubbles. I'll incorporate into the sharepoint docs before the deadline. Please provide me with your input by COB on 2/13. Give a holler if you have any other questions.

Thanks,
Julia

From: McDavit, Michael W.
Sent: Wednesday, February 7, 2018 3:16 PM
To: McCarthy, Julia <McCarthy.Julia@epa.gov>; Hamilton, Karen <Hamilton.Karen@epa.gov>
Cc: Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kutschenreuter, Kathleen <Kutschenreuter.Kathleen@epa.gov>
Subject: Review of State and Tribal Water Programs (for WOTUS) in Region 8

Dear Regional Colleagues:

As part of the Waters of the U.S. rulemaking effort (Step 2), we need your assistance in reviewing “profiles” and analyses that we recently drafted on state and tribal water programs. As you know, to better understand the potential effects and implications of a change in CWA jurisdiction, we developed these state-by-state profiles, as well as a national summary of tribal CWA-related laws, regulations and programs. We drew on existing public sources of information to compile the information.

At the link you will find a folder containing a document summarizing the information for the states in your Region. Please review this summary information; any feedback is welcome, but we are especially interested in ground-truthing the data. Make any changes and comment directly into this SharePoint document. We need to make sure that this information is accurate and reasonably up to date. You will notice that the sections for each state are organized by topic area,

including definitions, regulatory limitations, state programs and regulations, CWA programmatic areas (401, 402, 404), CWA Water Quality Standards, additional information and a state wetland program summary table. The information on tribes is not organized on a tribe-by-tribe basis and is merely summed up nationally.

Ex. 6 Personal Privacy (PP)/ internal URL

Ex. 6 Personal Privacy (PP)/ internal URL

There is also a link for a document summarizing all tribal water programs in the U.S. For this document, please review the general conclusions and make sure the tribal programs in your Region are consistent with these conclusions. If you know of any tribal programs that exceed this description, please let us know and provide any details and citations that you might have. As above, make any changes and comment directly into this SharePoint document.

Ex. 6 Personal Privacy (PP)/ internal URL

If you find any missing information, please supplement the information with additional content and citations. For example, if you know that a state has passed a law or promulgated regulations concerning 401 certification, please provide a citation for that. Another area where we are interested in concerns the scope of existing state and tribal aquatic resource and water quality laws, regulations and programs that address non-jurisdictional federal waters. For instance, if there are any states or tribes that have water quality standards or who are authorized to take actions protecting or addressing degraded waters that go beyond the federal requirements for doing so, please provide these examples from your states or tribes.

I very much apologize for the short turnaround time, but we are asking you to review this information with any edits and additions by COB next Wednesday, February 14, 2018, at the latest. We request that you conduct this review from in-house EPA staff, and to not share this with anyone outside of the Agency. Until after you have had a chance to scrub the data, we do not want to share it with states and tribes.

Although a final decision has not been made as of this writing, we may share this information with states and tribes as early as the February 20, 2018 webinar series, so we need your input within the next week to clean up our summaries and responses to prepare for that possibility.

Thanks,
Michael

W. Michael McDavit, Chief
Program Development and Jurisdiction Branch
Office of Water/USEPA (MC 4504T)
1200 Penn. Ave, NW (Room 7303 West Bldg)
Washington, DC 20460
202-566-2465

Message

From: Volk, Everett [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6467E89AABC459D8AE86701EF1A79ED-VOLK, EVERETT]
Sent: 11/7/2019 7:26:45 PM
To: Perkins, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2e346dbd35a463ab95787e5d0d1ba97-Perkins, Erin]
Subject: FW: Final Step 1 Rule Published today
Attachments: Baseline Background Table.pdf; ComparisonTable.pdf; EA excerpts on changes in jurisdiction.docx; Draft responses for inquiries.docx

<!--[if lte mso 15 || CheckWebRef]-->

Volk, Everett has shared a OneDrive for Business file with you. To view it, click the link below.

 Template for Regional Tracking of Meetings.xlsx

<!--[endif]-->

I'm not sure if you're on this distribution list. Forwarding just in case.

Everett Volk
Senior Assistant Regional Counsel
U.S. EPA Region 8
303-312-7290

From: Kwok, Rose <Kwok.Rose@epa.gov>
Sent: Thursday, November 7, 2019 11:16 AM
To: Downing, Donna <Downing.Donna@epa.gov>; Rzeznik, Dana <rzeznik.dana@epa.gov>; Pfeifer, David <pfeifer.david@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Goodwin, Kara <goodwin.kara@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Sachs, Erica <Sachs.Erica@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; LeClair, Jacqueline <Leclair.Jackie@epa.gov>; Trevino, Jeffery <trevino.jeffery@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Morgan, Joseph <Morgan.Joseph@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Bujak, Charissa <bujak.charissa@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Harrington, Rachel <harrington.rachel@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Kasperek, Lauren <kasperek.lauren@epa.gov>; Beveridge, Laura <Beveridge.Laura@epa.gov>; Montella, Daniel <Montella.Daniel@epa.gov>; Guarisco, Brad A CIV USARMY CEMVN (US) <Brad.A.Guarisco@usace.army.mil>; Alafat, Beth <alafat.beth@epa.gov>; Jensen, Amy A. <jensen.amy@epa.gov>; EPA Wetlands Managers

<EPA_Wetlands_Managers@epa.gov>

Cc: Gaggero, Jaime <gaggero.jaime@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Stacey Jensen <stacey.m.jensen.civ@mail.mil>; Massey, Matt <Massey.Matt@epa.gov>; Doley, Todd <Doley.Todd@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>

Subject: RE: Final Step 1 Rule Published today

Hi Informal Rule Workgroup members and Wetland Managers,

At the last monthly wetlands call, some folks requested materials that compare the Step 1 final with the 2015 Clean Water Rule. I have attached some materials for your educational purposes. Please note that some of these documents are either 1) not public documents and should be used internally only or 2) have been made public when we were rolling out the Clean Water Rule in 2015 but have not been officially “blessed” by our current leadership. I have noted these accordingly, which is why these materials are for your internal use and educational purposes and are not for distribution.

- 1) Baseline Background Table (attached): This a table that we had developed for the Step 2 proposed rule RPA and EA, but it got pulled from the final version of the documents. Please do **not** distribute this table.
- 2) Comparison Table used for CWR Rollout (attached): This compares the pre-2015 regulatory text (as written and not as implemented) with the CWR and has been used publicly, but was not officially blessed by this administration. Because this is a regulatory text comparison, it is not a helpful in describing the implementation differences. Similarly, there is a table in one of the factsheets used for the CWR rollout that also compares the pre-2015 regs with the CWR but is a straight text comparison. It is at:

Ex. 6 Personal Privacy (PP)/ internal URL

- 3) Description of differences that are in the EA for the Step 1 final (attached): This language was reviewed by senior leadership and is public. These are excerpts from the EA – for the full section, see pages 7-21 of the EA, available

Ex. 6 Personal Privacy (PP)

Also, during our last informal workgroup call, several folks asked for language that could be used to answer general inquiries about how the Step 1 Final Rule, once effective, will impact waters on their property. We have come up with a few responses that have been reviewed by OGC and the Corps, and those are attached. There are responses for parts of the country using the 2015 Clean Water Rule, pre-2015 practice, and in New Mexico, where we are still awaiting additional court clarification. I’ll add these documents as well to the Sharepoint in this folder:

Ex. 6 Personal Privacy (PP)/ internal URL

As a reminder, please remember to document any meetings you are having at attached Excel file (if you don’t have access to the meeting tracking spreadsheet, please let me know).

Please feel free to be in touch with questions. Sorry for the delay in getting this out to you.

Rose

Rose Kwok
U.S. Environmental Protection Agency
Oceans, Wetlands, and Communities Division
kwok.rose@epa.gov
202-566-0657

From: Kwok, Rose

Sent: Tuesday, October 22, 2019 9:31 AM

To: Downing, Donna <Downing.Donna@epa.gov>; Rzeznik, Dana <rzeznik.dana@epa.gov>; Pfeifer, David <pfeifer.david@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; ODea, Elise <odea.elise@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Schillo, Bruce' <Schillo.Bruce@epa.gov>; 'Williams, Ann' <Williams.Ann@epa.gov>; 'Keating, Jim' <Keating.Jim@epa.gov>; 'Bennett, Brittany' <bennett.brittany@epa.gov>; 'Eisenberg, Mindy' <Eisenberg.Mindy@epa.gov>; 'McDavit, Michael W.' <Mcdavit.Michael@epa.gov>; 'Moffatt, Brett' <Moffatt.Brett@epa.gov>; 'Feinmark, Phyllis' <Feinmark.Phyllis@epa.gov>; 'Goodwin, Kara' <goodwin.kara@epa.gov>; 'Jensen, Stacey M CIV USARMY HQDA (US)' <Stacey.M.Jensen@usace.army.mil>; 'Sachs, Erica' <Sachs.Erica@epa.gov>; 'Shamet, Stefania' <Shamet.Stefania@epa.gov>; 'Somerville, Eric' <Somerville.Eric@epa.gov>; 'Schaller, Andrea' <schaller.andrea@epa.gov>; 'Schafer, Jeannette' <schafer.jeannette@epa.gov>; 'McCarthy, Julia' <McCarthy.Julia@epa.gov>; 'Leidy, Robert' <Leidy.Robert@epa.gov>; 'Cherry, Andrew' <Cherry.Andrew@epa.gov>; 'Stokely, Peter' <Stokely.Peter@epa.gov>; 'Christensen, Damaris' <Christensen.Damaris@epa.gov>; 'Ludwig-Monty, Sarah' <ludwig-monty.sarah@epa.gov>; 'Wesson, Dolores' <Wesson.Dolores@epa.gov>; 'Morgan, James' <Morgan.James@epa.gov>; 'Speir, Jeffrey' <speir.jeffrey@epa.gov>; 'Gude, Karen' <Gude.Karen@epa.gov>; 'Alexander, Laurie' <Alexander.Laurie@epa.gov>; 'Swackhammer, J-Troy' <Swackhammer.J-Troy@epa.gov>; 'Roberts, Cindy' <Roberts.Cindy@epa.gov>; 'Chemerys, Ruth' <Chemerys.Ruth@epa.gov>; 'LeClair, Jacqueline' <Leclair.Jackie@epa.gov>; 'Trevino, Jeffery' <trevino.jeffery@epa.gov>; 'Ryland, Renea' <Ryland.Renea@epa.gov>; Morgan, Joseph <Morgan.Joseph@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Bujak, Charissa <bujak.charissa@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Harrington, Rachel <harrington.rachel@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Kasperek, Lauren <kasperek.lauren@epa.gov>; Beveridge, Laura <Beveridge.Laura@epa.gov>; Montella, Daniel <Montella.Daniel@epa.gov>; 'Guarisco, Brad A CIV USARMY CEMVN (US)' <Brad.A.Guarisco@usace.army.mil>; Alafat, Beth <alafat.beth@epa.gov>; Jensen, Amy A. <jensen.amy@epa.gov>; EPA Wetlands Managers <EPA_Wetlands_Managers@epa.gov>; EPA Wetlands Program Staff <EPA_Wetlands_Program_Staff@epa.gov>

Cc: Gaggero, Jaime <gaggero.jaime@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; 'Stacey Jensen' <stacey.m.jensen.civ@mail.mil>; Massey, Matt <Massey.Matt@epa.gov>; Doley, Todd <Doley.Todd@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>

Subject: Final Step 1 Rule Published today

Hi All,

The final Step 1 Rule published today in the Federal Register and will become effective on December 23, 2019. I've attached the final rule to this email. Please feel free to share this update with your stakeholders. We have update our website, and the docket on regulations.gov should be updated later this morning with the final rule and supporting documents. During the monthly Wetlands call last week, some of the managers asked for materials comparing the Step 1 rule and the Clean Water Rule. I will send those materials out later today to the informal workgroup and the wetlands managers, noting appropriate caveats about the materials and which are for internal use only.

On October 22, 2019, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published a final rule to repeal the 2015 Clean Water Rule: Definition of "Waters of the United States" ("2015 Rule"), which amended portions of the Code of Federal Regulations (CFR), and to restore the regulatory text that existed prior to the 2015 Rule. The final rule will become effective on December 23, 2019. The agencies will implement the pre-2015 Rule regulations informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding agency practice. <https://www.epa.gov/wotus-rule/step-one-repeal>.

Message

From: Volk, Everett [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F6467E89AABC459D8AE86701EF1A79ED-VOLK, EVERETT]
Sent: 9/3/2019 2:41:12 PM
To: Schefski, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f666f00873dc483ea51b5afadf6d1184-KSCHEFSK]; Sutin, Elyana [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f706635f0db94d408da8c8fbaf7556f9-Sutin, Elyana]; Joffe, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0644518d69b8434fa56f868d73cb6657-BJoffe]
Subject: FW: WOTUS event in R8
Attachments: WOTUS Step 1 One Pager Talking Points 8-28-19.docx

Update on WOTUS Step 1. As you may recall, Step 1 is the process by which EPA will put back in place the 1986 regulations. Step 2 is new rule that has been proposed, and for which responses to comments are still being developed. As for the subject line of the email, I'm unclear on whether there is a WOTUS event planned in Region 8, but will follow up and let you all know.

Everett Volk
Senior Assistant Regional Counsel
U.S. EPA Region 8
303-312-7290

From: Bloom, Judy <Bloom.Judy@epa.gov>
Sent: Friday, August 30, 2019 8:47 AM
To: McClain-Vanderpool, Lisa <McClain-Vanderpool.Lisa@epa.gov>
Cc: Perkins, Erin <Perkins.Erin@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Subject: FW: WOTUS event in R8

Lisa – sharing this from Julia if you haven't seen yet. This does include a link with comments from our states.

From: McCarthy, Julia <McCarthy.Julia@epa.gov>
Sent: Thursday, August 29, 2019 10:22 AM
To: Bloom, Judy <Bloom.Judy@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>
Subject: FW: WOTUS event in R8

Judy, Johanna, Bert and Darcy,
Attached are the draft talking points for the potential event next week. They're still undergoing edit/review, so are close hold. They've been distributed to the PADs.

Also here's the update I got yesterday from the rule workgroup:

- We are still on track for signature next week – likely mid-week. We'll send out the final comms materials once they are ready.
- We learned yesterday that OPA is asking the Regions to do events corresponding to next week's WOTUS announcement. This is a new thing. Your PADs have been given draft talking points, which are still undergoing review. Feel free to be in touch with me with any questions.
 - Some of you have been asking about your states' comments on the proposed rule in 2014. We have a summary of state comments for that proposed rule posted here on our 2015 Rule SharePoint Site. If you have trouble accessing this document, please let me know:

Ex. 6 Personal Privacy (PP)/ internal URL

- In addition, all of the state comments are posted on that SharePoint site here:

Ex. 6 Personal Privacy (PP)/ internal URL

Ex. 6 Personal Privacy (PP)/ internal URL Also let me know if you have problems accessing this, but I'll try to get everyone added to this part of the site.

- We also have the database of comments from the 2014 rule. You can sort by commenter category and state (for example, if you are looking for ag specific comments in your states). I've added the database here:

Ex. 6 Personal Privacy (PP)/ internal URL

Ex. 6 Personal Privacy (PP)/ internal URL

It would be best to open the database in Excel (instead of Excel Online), and then you can filter and sort as you wish. You can then find the comments on the docket for the Clean Water Rule:

<https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&dct=PS&D=EPA-HQ-OW-2011-0880>. To find the comment of interest, you can use this URL,

<https://www.regulations.gov/document?D=EPA-HQ-OW-2011-0880-15547>, simply replacing the -15547 with the Doc. Number listed in column G of the comment of interest.

- Feel free to let me know if you have any questions about finding comments.

Cheers,
Julia

From: Kwok, Rose <Kwok.Rose@epa.gov>

Sent: Wednesday, August 28, 2019 11:12 AM

To: Christensen, Damaris <Christensen.Damaris@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>

Subject: RE: WOTUS event in R8

Hi Julia!

We just had this sent to us. They are draft (still undergoing review) and are close hold. They have been shared with the PADs.

I'll let you know as I hear more.